

CHAPTER III-A-I

Responsibilities: Existing Institutions and Their Role

Virginia's rich heritage of open space, natural and recreational resources are managed by a variety of programs and agencies. Many resources require cooperative actions between public and private interests, which include government actions at the local, state and federal level. Examples of this type of resource would include the state byways, scenic rivers, historic and landscape resources, and greenways.

Management of many of the state's important open space, recreation and natural resources rests with a specific local, state or federal agency. This would include local parks, state parks, forests and wildlife management areas, and the important resources contained within the national parks and forests, and wildlife refuges. The information in the following chapter will provide details related to the programs and agencies that have management responsibilities for the state's resource base.

Scenic Rivers

The Virginia Scenic Rivers Act was passed in 1970 to protect and preserve certain rivers or sections thereof possessing natural or pastoral beauty. Since that time, many river sections have been studied and found worthy of this status. The first designation was in 1975. Since then, 19 rivers or river segments have been designated, including one identified as a State Historic River. Ten more, which have been evaluated and found to quality for designation, are identified in this plan. Local support is necessary for the introduction of scenic river legislation for rivers that are qualified but not designated. The following is a more detailed discussion of Virginia's Scenic Rivers Program.



Findings

- Virginia's river system, one of our state's most precious natural resources with more than 49,000 miles of rivers and streams, provides drinking water, recreational opportunities, habitat for fish and wildlife and some of our most scenic vistas.
- Rivers provide water for scenic enjoyment, industry, irrigation, commercial fisheries, recreational businesses and hydropower.
- Virginia's rivers are facing increasing threats from rainfall runoff and pollution from sprawl development, farms and urban areas, as well as habitat destruction from the diking, damming and channelizing of waterways.
- Recreational access to Virginia's rivers continues to dwindle as more river miles are posted and rural land is converted to urban uses.
- Through citizen involvement, Virginia residents can do much to help preserve and protect Virginia's water resources.

Recommendations

- The Department of Conservation and Recreation (DCR) should expand its base of information about Virginia's rivers through a continuation of the Scenic River Evaluation Program.
- DCR should assist citizens and local governments interested in adding qualifying rivers and streams to the system.
- DCR should continue to work with private riparian landowners to make available public access and recreation sites on designated Scenic Rivers.
- DCR should encourage partnerships through the establishment of private/public conservation easements along designated Scenic Rivers.
- DCR should continue to review and comment on various permit applications to state and federal regulatory agencies with respect to possible impacts to existing and potential components of the Scenic River system.

- DCR should ensure that recreational, scenic and historic values of a river are included in the analysis of all water management issues studied by the Commonwealth when determining priorities for use and development.
- DCR should assist local governments with development of planning tools (e.g., land-use overlays) that will afford special recognition and protection to Virginia's Scenic Rivers.
- Localities should adopt the special use assessment — open space class — as a tax incentive for local recognition and protection of a Scenic River.

Narrative

The Virginia river system is made up of more than 49,000 miles of rivers and streams. The river system is one of our most precious natural resources and provides drinking water, recreational opportunities, habitat for fish and wildlife, and some of the most scenic vistas the state has to offer. The rivers also provide water for industry, irrigation, commercial fisheries and hydropower.

The rivers in Virginia are facing increasing threats from rainfall runoff, pollution from sprawl development, farms and urban areas, as well as habitat destruction from diking, damming and channelizing of our waterways. Recreational access to Virginia's rivers continues to dwindle as more river miles are posted and rural land is converted to urban use.

The scenic rivers system comprises both tidal and nontidal rivers, and extends from the coastal region of Virginia to the mountains. The fabric of the system includes rivers whose corridors are rich in history, natural resources and recreational opportunities. Many of the rivers flow through rural and undeveloped areas of the state. However, portions of the Falls of the James, Appomattox, and Rappahannock rivers trace their course through more developed environments and cities. Each river is unique, but all possess qualities that make them worthy of protection through the application of appropriate planning and preservation techniques.

The Virginia General Assembly and the governor must approve each addition to Virginia's Scenic River system. The inclusion of a river in the scenic rivers



system provides a framework whereby the preservation of that river is encouraged. The elements of this protective framework are delineated below in the order in which they appear in the Scenic Rivers Act.

The *Code of Virginia* §10.1-401, assigns the following duties to the director of the Department of Conservation and Recreation:

- Identify rivers or river segments, including shores and natural environs, to be considered for designation.
- Conduct evaluations of rivers or segments to be considered for designation.
- Recommend rivers or segments to be considered for designation to the governor and General Assembly.

Should a river be designated, the director may acquire real property or interest in lands which offer protection to the Scenic River, but eminent domain cannot be exercised in acquiring any such property or interests.

The *Code of Virginia*, §10.1-402, requires the review of all projects involving the planning for use and/or development of water and related land resources. The river will be evaluated as a scenic resource when reviewing alternative plans for use and development.

The Scenic Rivers Act prescribes the designation of an administering agency (§10.1-405). The duties include:

- administration of the scenic river or section thereof to preserve its natural beauty and to ensure its use and enjoyment for its scenic, recreational, geologic, fish and wildlife, historic, cultural or other values

and to encourage the continuance of existing agricultural, horticultural, forestry, and open space land and water uses;

- periodic surveying of the Scenic River and its immediate environs;
- monitoring of all existing and proposed uses of the Scenic River and its environs;
- assisting local governments with problem-solving associated with the scenic river.

The *Code of Virginia*, §10.1-406, states that an advisory board be appointed by the governor for each designated Scenic River. Each board consists of area residents and includes at least one riparian landowner in the locality of the Scenic River. Their responsibility is to consider all plans and proposals that could alter any aspect of the river and to advise the director and the administering agency on such matters. Advisory boards, working closely with local government agencies and area citizens, provide great expertise regarding resource values and have been instrumental in developing Scenic River databases containing important information.

An example of the impact that an advisory board can have is the input of the Rappahannock Scenic River Advisory Board into the design of the Kelly's Ford Bridge over the Rappahannock River. Through cooperation between the board and the Virginia Department of Transportation the bridge was designed in a manner that protected the historical character of the river.

The *Code of Virginia*, §10.1-407, states that after the designation of a Scenic River, no dam or other structure that impedes natural flow thereof shall be constructed, operated or maintained in such river unless specifically authorized by an act of the General Assembly.

River resources protection and management rests with local governments. Current water laws add to the protection of the state's river resources. Through comprehensive planning, zoning, and special-use tax incentives, localities are able to maintain the quality of their scenic river resources while allowing continued development and other important landowner activities. Although the above five key *Code of Virginia* sections do not protect a system component absolutely, they do work together to call attention to the resource's importance.

The Department of Conservation and Recreation (CDR) works with local governments and citizens to study potential scenic rivers and encourages their participation in the evaluation process. Following evaluation, the locality is notified whether the river does or does not qualify. If the river does qualify, DCR informs citizens and government officials about the program and their roles in resource management.

A methodology for river evaluation has been developed to determine the relative significance of individual rivers and streams to maintain program viability and facilitate future system implementation. Making such a determination, by objectively evaluating various quality factors, has several beneficial applications. First, it enables DCR to establish criteria regarding the qualification of streams for inclusion in the Scenic Rivers system, thereby enhancing the probability that it will be composed of only high-quality rivers. Second, it allows for objective input into the water resource planning and allocation decisions that face the Commonwealth in the future. Third, the evaluation and ranking procedure provides raw data necessary for DCR to formulate goals, objectives and priorities for its program.

Virginia's Scenic Rivers Program *does*:

- establish an advisory committee comprised of local citizens appointed by the governor to provide local governments a greater voice in federal or state projects, which may impact the river.
- allow riparian landowners to continue using their land as they did before designation.



- provide an opportunity to consider scenic and other values of the river in the comprehensive planning process.
- provide a multipurpose planning document used by the Federal Energy Commission in its consideration of the potential impacts of proposed hydropower or related projects.

Virginia's Scenic Rivers Program *does not*:

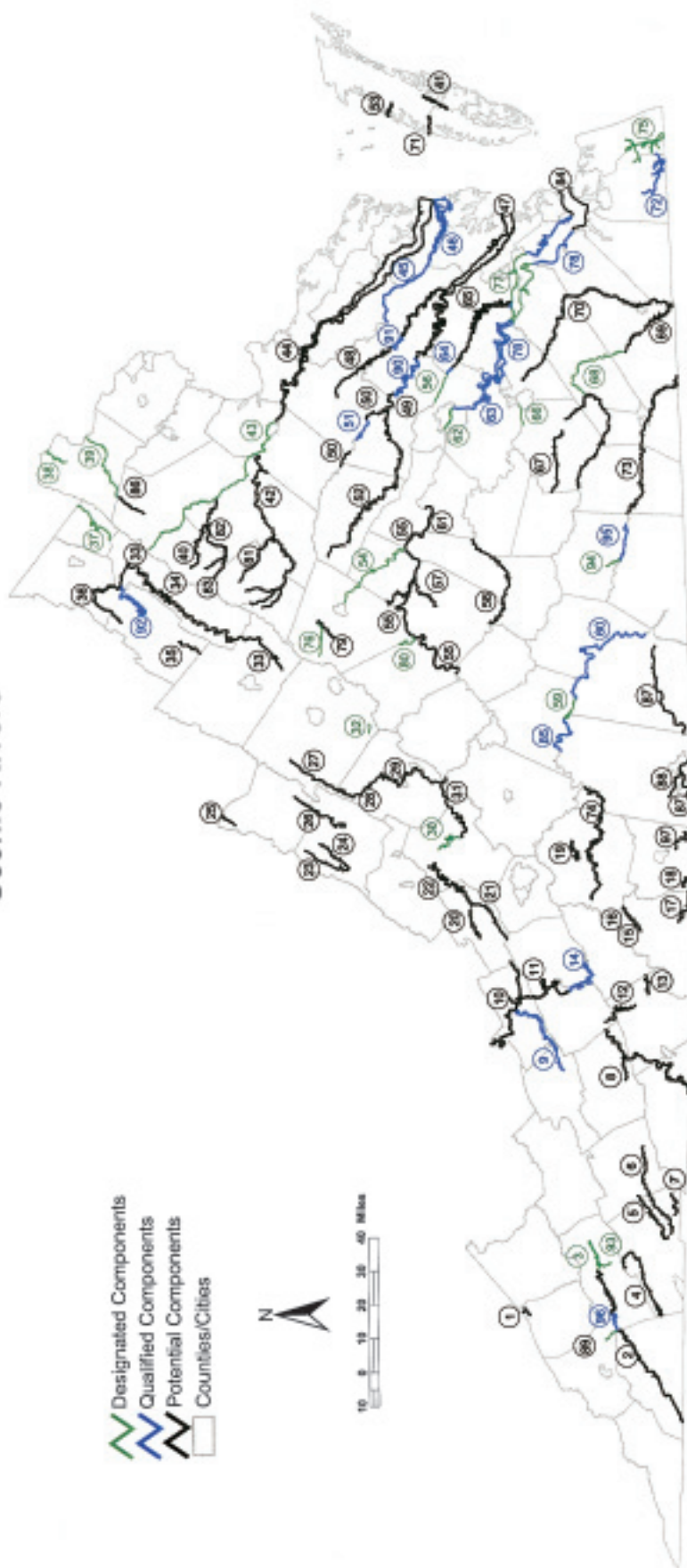
- affect a riparian landowner's right to use the river and its banks.
- impose any federal controls, rules, or regulations.
- impose any land-use controls or regulations.
- authorize state agencies to condemn land for the acquisition of real property or interests therein for the purpose of providing additional access to the river, nor does it allow the general public the right to use privately owned riparian lands.
- promote an increase in the recreational use of the river.
- affect tributary streams or branches.
- have a direct bearing on other state water quality programs, such as the Tier III Exceptional Waters designation or the establishment of Surface Water Management Areas.

Specific scenic river recommendations can be found in the regional analysis section of the Virginia Outdoors Plan. For further information on scenic rivers you may write:

Department of Conservation and Recreation
Division of Planning and Recreation Resources
 203 Governor Street, Suite 326
 Richmond, Virginia 23219
www.dcr.state.va.us

The following map illustrates existing components of the system, as well as those rivers and streams that have been evaluated and found to be eligible for inclusion.

Scenic Rivers



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